

HOUSE BILL REPORT

SHB 2081

As Amended by the Senate

Title: An act relating to creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

Brief Description: Creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

Sponsors: By House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, McCoy, Chase, Appleton and Haigh).

Brief History:

Committee Activity:

Select Committee on Hood Canal: 2/22/05, 2/24/05 [DPS].

Floor Activity:

Passed House: 3/11/05, 56-38.

Senate Amended.

Passed Senate: 4/15/05, 48-0.

Brief Summary of Substitute Bill

- Specifies aquatic rehabilitation zones may be established for marine waters posing serious environmental or public health concerns.
- Establishes the first aquatic rehabilitation zone for watersheds draining into Hood Canal.

HOUSE COMMITTEE ON SELECT COMMITTEE ON HOOD CANAL

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Eickmeyer, Chair; McCoy, Vice Chair; Appleton, Chase and Walsh.

Minority Report: Do not pass. Signed by 2 members: Representatives Pearson, Ranking Minority Member; and Sump, Assistant Ranking Minority Member.

Staff: Caroleen Dineen (786-7156).

Background:

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for

many years. The University of Washington recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal. The 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

The Puget Sound Action Team (PSAT) is a state agency that develops and coordinates water quality programs in Puget Sound. The Hood Canal Coordinating Council (HCCC) is a group of county and tribal governments established to address water quality problems and natural resource issues in the Hood Canal watershed. In May 2004, the PSAT and HCCC prepared a report - the *Preliminary Assessment and Corrective Action Plan* (PACA) - assessing human-influenced nitrogen sources for Hood Canal. The PACA identifies six major categories of sources and specifies recommendations for corrective actions for these categories.

Research and monitoring related to Hood Canal's low dissolved oxygen concentrations is being conducted. The Department of Ecology's marine waters monitoring program and the University of Washington's Puget Sound Regional Synthesis Model (PRISM) program involve testing at numerous Hood Canal stations. In addition, Hood Canal monitoring and research are being conducted by the United States Geological Survey and various local agencies and organizations. Further, a group of federal, state, local, and tribal agencies and nonprofit organizations have established the Hood Canal Dissolved Oxygen Program (HCDOP), a three-year effort to coordinate Hood Canal monitoring, analysis, and modeling results.

Summary of Substitute Bill:

Aquatic rehabilitation zones (ARZs) may be designated by the Legislature for areas whose surrounding marine water bodies pose serious environmental or public health concerns. The first ARZ, known as ARZ One, is created for the watersheds that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

The ARZ provisions are codified as a new chapter in Title 90 RCW. These new statutory provisions do not alter, diminish, or expand existing jurisdictional authorities in other statutes or affect application of other statutory requirements or programs not specifically referring to ARZs. If provisions in other statutes conflict with any statutory provisions governing ARZs, however, the ARZ statutes govern ARZs.

The ARZ provisions do not apply to forest practices regulated under the state's Forest Practices Act.

Legislative findings identify the substantial environmental, cultural, economic, recreational, and aesthetic importance of Hood Canal. Legislative findings also specify concerns regarding Hood Canal's low dissolved oxygen concentrations and identify research and monitoring efforts that are occurring with respect to this condition. Legislative findings also recognize a need for the state to take action to address Hood Canal's low dissolved oxygen

concentrations. Legislative intent is specified to establish an ARZ as a statutory framework to address this condition as solutions are identified.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removes the provision specifying that ARZs are governed by the ARZ statutes in the event of conflict with other statutory provisions. The Senate amendment also revises the legislative finding regarding the need for additional research and analysis.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Original bill) This bill replaces HB 1060 and is an attempt to create a structure for the current efforts and the future health of Hood Canal. The bill creates a statutory framework so that legislation related to ARZ One does not affect any other part of the state.

Testimony Against: None.

Persons Testifying: (Original bill) Representative Eickmeyer, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.